

### **REMARKS**

Claims 1, 2, 4-7, 10, 12, 17, 18, 40-42, and 44-46 are pending in the application. Claims 3, 11, 13-16, 21-24, 32-39, 43, and 47-53 have been withdrawn from consideration by the Examiner. Claims 1, 17, 18, 40, 41, and 46 have been amended. Claims 9, 16, 32, 45 have been canceled. New claims 67-85 have been added. No new matter has been added.

The Examiner contends that "applicants do not particularly respon[d] to the restriction requirements at page 5 of the office action mailed March 11, 2005" but indicates that since Applicants selected species 7-phenyl-2,4,6-hepatrienoylhydroxamic acid, this effectively elects subgroup A wherein A is a phenyl group. Applicants wish to direct the Examiner's attention to Applicant's Replies filed on April 11, 2005 and July 25, 2005 in which Applicants clearly elected, with traverse, compounds in which A is a phenyl group.

Applicants thank the Examiner for indicating that the elected species 7-phenyl-2,4,6-hepatrienoylhydroxamic acid has been found allowable as its own dependent claim.

The Examiner's remarks in the last Office Action are addressed below. It is believed that the claims and all dependent claims, taken in light of the remarks made herein, meet all criteria for patentability.

### **CLAIM OBJECTIONS**

The Examiner has objected to claims 40 and 41 "as being dependent upon a rejected base claim." Claims 40 and 41 have been amended to expedite prosecution. Applicants reserve the right to further prosecute the canceled subject matter of these claims in a subsequent related patent application.

### **CLAIM REJECTIONS**

#### ***Rejection of claims under 35 U.S.C. §102(b) over Parsons***

The Examiner has rejected claims 1-2, 4-7, 9-10, 12, 17-18, 42-46 under 35 U.S.C. 102(b) as being anticipated by WO 98/55449 to Parsons et al ("Parsons"). Applicants respectfully traverse this rejection. Claim 43 has been withdrawn and, should be dropped from this rejection as it belongs in unelected Group XI as grouped by the Examiner in his Restriction

Requirement mailed March 11, 2005. Claim 9 has been cancelled. Applicants however, respectfully request that claim 43 be rejoined. Claim 1 is an independent claim.

The Examiner contends that "Parsons teaches a method of inhibiting cancer cell growth by contacting the cell with [] histone deacetylation inhibiting hydroxamic acids" and directs Applicants to the abstract on pages 6-16 and compound Vg in claim 15. See Office Action at page 4.

Parsons does not describe the compound of formula (I) in independent claim 1. Compounds Vg are compounds in which  $X^1$  = polar group substituent of a phenyl group chosen from the group " $C=O$ ;  $-COR^1$ ;  $-CF_2$ ;  $-CNH_2$ ;  $-CNR^1$ ;  $-SO_2$ ;  $-P(O)(OH)$ ;  $-C=S$ ;  $-CSR^1$ ;  $-C-COR^1$ ;  $-C-CONR^1R^2$ ; or  $-C-CH_2OH$ ; or either  $R^1$  or  $R^2$  is absent." See page 82, line 1 of Parsons. In formula (I) of claim 1, A is a cyclic moiety optionally substituted with alkyl, alkenyl, alkynyl and alkoxy. See claim 1. None of the substituents described by Parsons are within the scope of claim 1.

Accordingly, independent claim 1 is not anticipated by Parsons. Claims 2, 4-7, 9-10, 12, 17-18, 42-46 depend from claim 1 and are therefore patentable over Parsons for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

**Rejection of claims under 35 U.S.C. §103 over Parsons**

The Examiner has further rejected claims 1-2, 4-7, 9-10, 12, 17-18, 42-46 under 35 U.S.C. 103 as being unpatentable over Parsons. Claim 43 has been withdrawn and should be dropped from this rejection as it belongs in unelected Group XI in the Restriction Requirement mailed March 11, 2005. Claim 9 has been cancelled. Applicants however, respectfully request that claim 43 be rejoined. Applicants respectfully traverse this rejection.

Compounds Vg as disclosed by Parsons are compounds in which  $X^1$  = polar group substituent of a phenyl group chosen from the group " $C=O$ ;  $-COR^1$ ;  $-CF_2$ ;  $-CNH_2$ ;  $-CNR^1$ ;  $-SO_2$ ;  $-P(O)(OH)$ ;  $-C=S$ ;  $-CSR^1$ ;  $-C-COR^1$ ;  $-C-CONR^1R^2$ ; or  $-C-CH_2OH$ ; or either  $R^1$  or  $R^2$  is absent." See page 82, line 1 of Parsons. Parsons does not teach, suggest, or provide motivation to make or use compounds of formula (I) in which A is a cyclic moiety optionally substituted with alkyl, alkenyl, alkynyl and alkoxy. None of the substituents described by Parsons are within the scope

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of claim 1. Further, there is no suggestion or motivation to a person skilled in the art to modify the compounds of Parsons.

Since claims 2, 4-7, 9-10, 12, 17-18, 42-46 are dependent on claim 1, they are allowable over Parsons for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

### **CONCLUSION**

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims now pending are in condition for allowance.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account **19-4293**.

If, for any reason, a telephonic conference with the Applicant would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicants' Attorney at the telephone number provided below.

Respectfully submitted,



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